

REMARKS

Claims 1-22 are pending and under consideration. No new matter is presented in this Amendment.

PROVISIONAL DOUBLE PATENTING REJECTION:

Claims 1-21 are provisionally rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1-21 of co-pending Application Serial No. 12/028,254 (the '254 application). The '254 application was filed on February 8, 2008, after the filing date of the instant application. Where an obviousness-type double patenting rejection is the only rejection remaining in the earlier-filed application, the Examiner should allow the earlier-filed application to issue without a terminal disclaimer. See MPEP § 804(I)(A)(1). The instant application is the earlier-filed application, and the only rejection remaining is an obviousness-type double patenting rejection. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and allow the application to issue.

Claims 1-3 and 7-13 are provisionally rejected on the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1-10 of co-pending Application Serial No. 12/028,2287 (the '287 application). The '287 application was filed on February 8, 2008, after the filing date of the instant application. Where an obviousness-type double patenting rejection is the only rejection remaining in the earlier-filed application, the Examiner should allow the earlier-filed application to issue without a terminal disclaimer. See MPEP § 804(I)(A)(1). The instant application is the earlier-filed application, and the only rejection remaining is an obviousness-type double patenting rejection. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and allow the application to issue.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 7/12/08

By: G. Clinton
Gregory L. Clinton
Registration No. 59,134

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510